

BUREAU OF INTERNAL AFFAIRS
Confidential Investigation Section

21 June 2012
CR# 1051503

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Marie J. LANE, #5905
Internal Affairs Division
Confidential Investigation Section

SUBJECT: Approval Complaint Register No. 1051503

The attached Complaint Log Number has been completed and is being submitted for approval. The undersigned is asking that the case be filed.

P.A. Marie J. Lane
P.A. Marie J. LANE, #5905
Confidential Investigation Section
Bureau of Internal Affairs

APPROVAL:
MyR #2625

Supervising Sergeant
Confidential Investigation Section
Bureau of Internal Affairs

MyR #2625

Commanding Officer
Confidential Investigation Section
Bureau of Internal Affairs

Commander Robert KLIMAS
Confidential Investigation Section
Bureau of Internal Affairs

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1051503TYPE
CRDATE OF REPORT
21-JUN-2012

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: DEPUTY SUPERINTENDENT, BUREAU OF PROFESSIONAL STANDARDS
ATTENTION: CHIEF, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
LANE, MARIE	9174	5905		121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS:	DATE / TIME	27-JAN-2012 11:01	BEAT: 1322
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
Unknown										

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
MAHER, PATRICIA	RANK: 9171, STAR NO: 1864, EMP NO:			F / WHI	54

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
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WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
DALLIO, MATTHEW	RANK: 9161, STAR NO: 11325, EMP NO:			M / WHI	/ 33
SAENZ, REGINO	RANK: 9171, STAR NO: , EMP NO:			M / S	/ 60
ZULLO, GREGORY	RANK: 9161, STAR NO: 6727, EMP NO:			M / WHI	/ 54
VELEZ, WADY	RANK: 9161, STAR NO: 16239, EMP NO:			M / S	/ 58

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

- Allegation #1: The complainant Sergeant Patricia MAHER, #1864, 013th District alleges that on 01 December 2011 at an unknown time and location, an unknown department member damaged the in-car camera system (serial #030027) by cracking the screen in police vehicle #6564.
- Allegation #2: The complainant P.A. Marie J. LANE, #5905, Unit 121, alleges that on 01 December 2011 at 0530 hours at 937 North Wood, an unknown department member failed to notify a supervisor that the in-car video system was damaged.

SUMMARY

SEE NARRATIVE

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
4	14		18

FINDINGS - RECOMMENDATIONS

SEE NARRATIVE

DATE INITIATED
(Date incident was received for investigation)

30-JAN-2012

DATE COMPLETED (Date of this report)

21-JUN-2012

ELAPSED TIME
(Total time expressed in days)

143

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

P. A. Harnett

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

ADDITIONAL WITNESSES:

5. ARROYO, Luis Rank: 9161 Star No. 7109 Emp. # [REDACTED] M/WHI 30 Oct 1961

INVESTIGATION:

AFFIDAVIT NOT REQUIRED

Sergeant Patricia MAHER, #1864, 013th District submitted an Initiation Report dated 27 January 2012. The report indicated that on 27 January 2012, Sergeant MAHER was informed by Information Services Camera Repair Technician P.O. Matthew DALLIO, #11325, Unit 125, that he removed an in-car camera system with a cracked screen from vehicle 6564 after it had been returned from Fleet Management. The damage to the screen was initially observed by DALLIO in the 013th District on 07 December 2011 when he responded to Help Desk Ticket #5896183 which was obtained by Sergeant Regino SAENZ on 01 December 2011 at 2044 hours during the third watch.

Sergeant MAHER learned that on 01 December 2011, Sergeant SAENZ obtained Help Desk Ticket #5896183 during the third watch for a non-functioning in-car camera in vehicle 6564. On 07 December 2011, Information Services Technician P.O. Matthew DALLIO reported to the 013th District to resolve the issue with the in-car camera and found that the screen on the in-car camera was cracked. At this time DALLIO was unable to remove the camera and requested follow up repair by Fleet Management.

On 24 February 2012, the Reporting Agent contacted Sergeant Lance BECVAR, #1748, Unit 125 and requested a To-From chronicling the events relative to Help Desk Ticket 5896183. In response Sergeant BECVAR forwarded a To-From Subject Report which indicated that on 07 December 2011, Tech. P.O. Matthew DALLIO, #11325, Unit 125 in response to the Help Desk Ticket went to the 013th District and discovered the in -car camera in vehicle 6564 was shattered by an apparent impact. The report also indicated that the camera could not be fixed in the 013th District because DALLIO did not have the necessary component to fix it. The report details various events that lead up to the repair of the in-car camera. On 21 February 2012, P.O. DALLIO, #11325 was able to follow up on the Help Desk Ticket after the vehicle was returned from the OEMC Repair Shop.

On 03 April 2012, the Reporting Agent requested the Sergeant Log for Sergeant Regino SAENZ, #1730 for 01 December 2011 from P.O. Charlene BROWN, #19538, 013th District. The Reporting Agent made this request to see if Sergeant SAENZ had made a notation of the name of the officer who informed him that the in-car video system in vehicle 6564 was damaged. Officer BROWN was unable to provide the Reporting Agent with the requested log because the request date surpassed the retention date.

Upon learning the above information, the Reporting Agent obtained the Attendance and Assignment Record for the 013th District for 01 December 2011. The record was procured to learn who utilized vehicle 6564 prior to the third watch when the damage was originally reported.

The record revealed that Officer Luis ARROYO, #7108, 013th District worked alone on Beat 1333, utilizing vehicle 6564 on the second watch.

During the investigation, the Reporting Agent learned that vehicle inspection for the 013th District was conducted on Sundays. After learning this information the Reporting Agent obtained the Vehicle Inspection Report for 27 November 2011. The report indicated that there was prior damage (not a shattered screen) to the in-car system prior to 01 December 2011 under Help Desk Ticket 58908671. The Inspection Report for 04 December indicated that Help Desk Ticket 5891683 was obtained for a cracked in-car camera.

On 17 April 2012, the Reporting Agent learned that Sergeant Regino SAENZ, #1730 had retired effective 15 April 2012. Upon learning this, the Reporting Agent contacted P.O. Tanya MILLER, #5182 and requested a copy of the Par Form which was received by the Reporting Agent on 18 April 2012. On this same date, the Reporting Agent contacted Sergeant SAENZ telephonically and informed him of the Complaint Register Number and that he had been named as a witness. Sergeant SAENZ stated that he did not wish to participate in the investigation since he was retired. Due to his retirement, Sergeant SAENZ will be removed from the I-Clear system as a witness.

The Reporting Agent obtained the Attendance and Assignment Record for 01 December 2011 for the third watch. The record revealed that Officers Wady VELEZ, #16239 and Gregory G. ZULLO, #6727 worked Beat 1305 and utilized vehicle 6564. The officers were named as witnesses in the I-Clear system.

On 19 April 2012, Witness P.O. Matthew J. DALLIO, #11325, detailed to Unit 125 submitted to a formal statement in the Internal Affairs Division. Officer DALLIO stated that on 07 December 2011 he went to the 013th District after Help Desk Ticket 3896183 was initiated by a sergeant. When he arrived in the 013th District he observed that the front headliner screen was cracked, spider webbed from the inside out. DALLIO stated that he was not able to remove the in-car camera because he did not have a spare component with him. On the 15 December 2011, DALLIO returned to the 013th District with a replacement headline component but could not remove the damaged component because there was no service loop within the vehicle. The vehicle was then referred to Fleet Management for service.

DALLIO refuted the date of January 27 2012 as the date that Sergeant MAHER gave as to when he removed the camera from vehicle 6564 and relocated the camera to Information services for repair. DALLIO stated that the actual date was 02 February 2012. DALLIO also stated that from 15 December 2011 through 02 February 2012 the vehicle was sent to Fleet liaison office for removal of the headliner. After DALLIO was notified by Fleet Management that the vehicle would be available in the 013th District on 20 January 2012, DALLIO went to the 013th District and learned that the vehicle was still down at fleet. On 02 February 2012, DALLIO went back to the 013th District and removed the in-car camera from vehicle 6564.

On 23 April 2012, accused P.O. Luis ARROYO, #7108, 013th District submitted to a formal statement in the Internal Affairs Division. Officer ARROYO stated that on 01 December

2011 at the beginning of his tour he visually inspected the in-car video system equipment in vehicle 6564 while working Beat 1333. ARROYO stated that there was no damage to the in-car video system and that he signed on. ARROYO also stated that about an hour to an hour and half into his tour he had to sign on again. The camera eventually shut down by itself. ARROYO stated that this problem had been reported numerous times. ARROYO stated when he returned the next day 02 December 2012, upon his inspection of the vehicle he observed that the in-car video system was cracked and a help desk ticket had been placed on the camera. ARROYO also stated that he contacted his sergeant and reported it and in response his sergeant informed him that he would make a notation on his log.

Witness P.O. Wady VELEZ, #16239, 013th District stated in a formal statement on 03 May 2012 that on 01 December 2011 prior to his tour during the third watch he or his partner reported some type of damage to vehicle 6564 but could not recall specifically what the problem or damage was. VELEZ stated that he believe that they attempted to turn on the camera but observed a crack in the screen of the camera. VELEZ stated that he or his partner then notified their sergeant.

On 03 May 2012, Witness Gregory G. ZULLO, #6727, 013th Street stated in a formal statement that at the beginning of his tour, he or his partner notified Sergeant Regino SAENZ that the camera was not working in their vehicle 6564. Officer ZULLO stated that he recalled that the camera could not be turned on and that there was a slight crack on the screen. ZULLO stated that prior to their tour of duty inspection of the in-car camera is conducted and the condition of the camera has to be reported to the sergeant. ZULLO stated that he could not recall who reported the damage.

After reviewing this case, the Reporting Agent noted that initially ARROYO was named as the accused based on the fact that he was the officer assigned to vehicle 6564 on 01 December 2011 prior to the third watch. Upon further review it was determined that ARROYO should not have been named as an accused based on several factors: the Reporting Agent was unable to determine why retired Sergeant SAENZ took six hours and forty four minutes to report the damage to the Help Desk. In the statements by witnesses VELEZ and ZULLO, they stated that one or the other had reported the cracked screen at the beginning of the third watch on 01 December 2011. Also, the Reporting Agent was not able to determine the definitive time as to when the crack actually was established. The Reporting Agent was unable to procure any evidence that would lead the Investigator to prove that Officer ARROYO damaged the in-car camera during his tour of duty. This case is Not Sustained against the unknown accused.

FINDINGS:

ACCUSED:	Unknown
ALLEGATION #1:	Not Sustained
ALLEGATION #2:	Not Sustained
RECOMMENDATION:	No Disciplinary Action Warranted: Case to be filed.

EVIDENCE:

1. Complaint Against Department Member. (3 pages)
2. Investigation Conflict Certification.
3. Sworn Affidavit For Complaint Log Investigation.
4. Initiation Report. (2 pages)
5. Explanation of Help Ticket 5896183. (4 pages)
6. Supervisor's Management Log – Sgt. SAENZ.
7. Attendance & Assignment Record for 01 December 2012. (ARROYO) (3 pages)
8. Vehicle Equipment Inspection Report. (5 pages)
9. Par Form – SAENZ. (3 pages)
10. Additional Witnesses. (4 pages)
11. Witness Acknowledgement for DALLIO.
12. Statement – DALLIO. (5 pages)
13. Notification of Charges/Allegations – ARROYO. (2 pages)
14. Statement – ARROYO. (4 pages)
15. Witness Acknowledgement – VELEZ. (2 pages)
16. Statement – VELEZ. (4 pages)
17. Witness Acknowledgement – ZULLO. (2 pages)
18. Statement – ZULLO. (4 pages)